

Remarks

Claims 69, 70, and 73-89 are pending. Claims 69, 73-76, and 79-82 are withdrawn from consideration. Claims 70, 77, 78 and 83-89 are under consideration. Claims 70, 77 and 78 are canceled herein without prejudice. Claims 83-89 are amended herein to overcome an objection. In light of the following amendments and remarks, applicants respectfully request entry of these amendments and allowance of the claims.

Specification

Applicants acknowledge the withdrawal of the previous objection to the specification.

Claim Objections

Claims 77 and 83-89 are objected to because of the following informalities. The Office Action states that these claims refer to the hepatitis A virus by its acronym (HAV) without first identifying the virus by its complete name.

Claim 77 is canceled without prejudice, thereby rendering this objection moot as it applies to this claim. Applicants, therefore, respectfully request withdrawal of this objection.

Claims 83-89 are amended herein by deleting the term “(HAV)” and substituting therefor the term “hepatitis A virus.” Applicants believe that these amendments overcome this objection and respectfully request its withdrawal. Because “[t]he subject matter of claims 83-89 appears to be allowable over the prior art,” (see page 10, Office Action), Applicants respectfully request allowance of claims 83-89.

Claims 70 and 77 are objected to because of allegedly improper Markush-like language. Claims 70 and 77 are canceled herein, thereby rendering this objection moot as it applies to these claims. Applicants, therefore, respectfully request withdrawal of this objection.

35 U.S.C. § 112, second paragraph

A. Applicants acknowledge the withdrawal of the previous rejections of claims 70, 77 and 78 under 35 U.S.C. § 112, second paragraph.

B. Claims 70, 77 and 78 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 70, 77 and 78 are canceled herein without prejudice, thereby rendering moot this rejection as it applies to these claims. Therefore, applicants respectfully request withdrawal of this rejection.

35 U.S.C. § 112, first paragraph

Claim 70 is rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Claim 70 is canceled herein without prejudice, thereby rendering this rejection moot. Applicants, therefore, respectfully request withdrawal of this rejection.

35 U.S.C. § 102

Claims 70, 77 and 78 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by either of Dina *et al.* (EP 0199480-of record in the IDS of October 1998), or Linemeyer *et al.*, *J Virol* 54(2):247-55.

Claims 70, 77 and 78 are canceled herein without prejudice, thereby rendering this rejection moot as it applies to these claims. Therefore, applicants respectfully request withdrawal of this rejection.

ATTORNEY DOCKET NO. 14114.0327U2
APPLICATION NO. 09/171,432

35 U.S.C. § 103

Claims 70, 77 and 78 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Linemeyer *et al.* in view of Dina *et al.*

Claims 70, 77 and 78 are canceled herein without prejudice, thereby rendering this rejection moot as it applies to these claims. Therefore, applicants respectfully request its withdrawal.

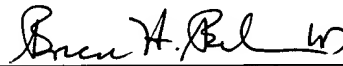
Pursuant to the above amendments and remarks, reconsideration and allowance of the pending application are believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

ATTORNEY DOCKET NO. 14114.0327U2
APPLICATION NO. 09/171,432

No fee is believed to be due; however, the Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

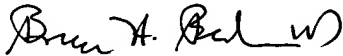


Bruce H. Becker, M.D.
Registration No. 48,884

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.



Bruce H. Becker, M.D.

6/29/04

Date